

## MINUTES ADOPTED BY CITY COUNCIL

December 14, 2006  
Greenville, NC

The Greenville City Council met in a regular meeting on the above date at 7:00 PM in the City Council Chambers of City Hall, with Mayor Robert D. Parrott presiding. The meeting was called to order, followed by the invocation by Council Member Spell and the pledge of allegiance to the flag. The following were present.

Mayor Robert D. Parrott  
Mayor Pro-Tem Mildred A. Council  
Council Member Ray Craft  
Council Member Pat Dunn  
Council Member Rose H. Glover  
Council Member Chip Little  
Council Member Larry Spell  
Wayne Bowers, City Manager  
Wanda T. Elks, City Clerk  
David A. Holec, City Attorney

### APPROVAL OF AGENDA

City Manager Wayne Bowers reminded the Council that at the December 11 meeting, The Council voted to add Item #2A regarding Martin Luther King, Jr. street naming. He stated that a letter was received requesting that Item #8 regarding the annexation of W. A. Development, LLC property be continued until March 8, 2007, which would mean that Item #7 regarding the rezoning of the property would also need to be continued since the property would not be in the City's jurisdiction.

Motion was made by Council Member Little and seconded by Council Member Dunn to approve the agenda with the changes as noted by the City Manager. Motion carried unanimously.

### APPOINTMENTS

#### Appointments to the Mid-East Commission

Motion was made by Council Member Dunn and seconded by Mayor Pro-Tem Council to reappoint Merrill Flood to a third two-year term as a regular member on the Mid-East Commission that will expire in January 2009 and to appoint Carl Rees as the City's Alternate on the Mid-East Commission. Motion carried unanimously.

RESOLUTION APPROVING A CHANGE IN NAME OF (1) THE PORTIONS OF US HIGHWAY 264 BETWEEN ITS INTERSECTION WITH STANTONSBURG ROAD AND ITS INTERSECTION WITH US 264 ALTERNATE AND PACTOLUS HIGHWAY WHICH ARE LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY TO MARTIN LUTHER KING, JR. HIGHWAY, AND (2) MARTIN LUTHER KING JR. DRIVE BETWEEN EVANS STREET AND MEMORIAL DRIVE TO WEST FIFTH STREET - ADOPTED

Mr. Andy Thomas, Planner, stated that in accordance with Section 6-2-13(b)(3) of the Greenville City Code, City Council initiated the street name change for the portions of US 264 between its intersection with Stantonburg Road and its intersection with US 264 Alternate and Pactolus Highway which are located within the corporate limits of the City of Greenville to Martin Luther King, Jr. Highway and Martin Luther King, Jr. Drive between its intersection with Evans Street and its intersection with Memorial Drive to West Fifth Street. This action was taken by City Council at its August 10, 2006, meeting when it decided to proceed with the option forwarded to City Council for further consideration by the Martin Luther King Street Naming Ad Hoc Committee of naming the 264 Bypass/Proposed Greenville SW Bypass in honor of Martin Luther King, Jr. This was one of the three options forwarded to City Council by the committee. The North Carolina Department of Transportation deferred to the City of Greenville and Pitt County the authority to name this portion of US 264 (a State-maintained highway) as the Martin Luther King, Jr. Highway. The North Carolina Department of Transportation has advised that prior to the street name change of US 264 as Martin Luther King, Jr. Highway being effective, the existing Martin Luther King, Jr. Drive in Greenville would need to be renamed so that there is not a conflict in street names in the City of Greenville. Section 6-2-13(d) of the Greenville City Code provides that a street name change for the express or implied purpose of honoring individuals, events or locations of local, state, national or international importance may be approved only by resolution of City Council. This subsection also provides that, prior to City Council's action, the Planning and Zoning Commission is to make a recommendation after conducting a public hearing. At its November 21, 2006, meeting, the Planning and Zoning Commission conducted a public hearing and recommended approval of the street name change.

Mr. Thomas continued by stating that US 264 is primarily within the jurisdiction of Pitt County. The City Council has the authority to name the portions that are located within the City's corporate limits, and the Pitt County Board of Commissioners has the authority to name the portions that are located outside the City's corporate limits. The resolution provides that the name change is effective on June 29, 2007. However, the resolution also provides that the name change is only effective if the Pitt County Board of Commissioners also approves the street name change for US 264 on or before March 20, 2007. County Manager Scott Elliott has advised that the Board of Commissioners will be able to complete the process for its consideration of the street name change within two months after Council's action. Section 6-2-13(d) of the Greenville City Code states that when City Council considers a street name change, it is to utilize the recommendation of the Planning and Zoning Commission and other information in the evaluation of the request. Additionally, Section 6-2-13(e) provides that the criteria to be considered when evaluating a street name change are as follows:

- (1) The delivery of personal, public and emergency services;
- (2) The similarity to existing street names;
- (3) Any condition which may confuse the traveling public;

- (4) Ease of giving directions;
- (5) Place, name association or history;
- (6) Pronunciation and spelling;
- (7) The expense to abutting property owners; and
- (8) The expense to effected governmental agencies, including but not limited to the City of Greenville, County of Pitt, N.C. Department of Transportation, Greenville Utilities Commission and U.S. Postal Service.

City Council is required to conduct a public hearing on the street name change. Notice of the public hearing was published in The Daily Reflector on December 4, 2006. Notice was also provided by certified mail to all adjoining property owners and by the posting of signs. The resolution also makes an honorary designation for Martin Luther King, Jr. on US 264 Bypass from its intersection with NC 11 to its intersection with US 264 Alternate and Pactolus Highway. The honorary designation allows additional signage on this portion of US 264 similar to the signage on US 264 which honors former U.S. Senator John East.

Mayor Parrott declared the public hearing open and solicited comments from the audience.

Mr. Charles Ewen, a resident of East Fifth Street, stated that he was a member of the Chancellor's ad hoc committee. There was never a question about honoring Dr. King; the question has been how. Having the bypass named for Dr. King would allow his name to be visible by anyone on the bypass.

Mr. Dean Wilkerson of Wilkerson Funeral Home, which is on East Fifth Street, stated that the thoroughfare would be the most appropriate way to honor Dr. King. He stated that it is time to move on.

Mr. Keith Cooper, Co-Chair of the Martin Luther King, Jr. Drive Completion Committee, asked the Council to do the right thing in honoring Dr. King. He stated that it will be a mistake to remove the existing Martin Luther King, Jr. signs and bypass the dreams. The issue is about 17 years old. Many other cities and counties have major thoroughfares in King's honor, and it is shameful that this community continues to argue over this street. In 1998, the City Council renamed Fifth Street from Memorial Drive to Evans Street as Martin Luther King, Jr. Drive, and this is an insult to supporters of Martin Luther King, Jr. The City Council has a moral obligation to resolve this controversy honorably. Martin Luther King, Jr. Drive should be extended all the way through the City limits. A report was prepared by the Chancellor's Ad Hoc Committee and some of the Council has not read it. Most people favored Martin Luther King, Jr. Drive extending all the way down Fifth Street, and the option the Council chose was the least desirable. He asked why money was spent for the report if the Council wasn't going to use it. Tenth Street being renamed was No. 2 on the list in the report, and the Council did not consider that. The Council needs to bring this to a close as soon as possible. Mr. Cooper continued by stating that the Council knows that the naming of the entire bypass for Martin Luther King, Jr. will not happen. If the City Council votes to name the bypass for Martin Luther King, Jr., in five to ten years, someone else will be asking why part of a street was renamed for him and why the Southwest Bypass was not included.

Mr. Joshua Fisher, Co-Chair of the Fifth Street Completion Committee, stated that simple, inexpensive solutions have been ignored. Greenville is being regressive instead of progressive.

The City and County have gone backwards and against the report done by Visions. He asked the Council to reconsider its earlier decision.

Ms. Ernestine Haselrig stated that Reverend Mills accepted having West Fifth Street renamed to Martin Luther King, Jr. Drive because he saw the good in it and felt that Greenville was making history. He was happy that City government would have the address of Martin Luther King, Jr. Drive, where all correspondence going in and out would show Dr. King's name. Rebuilding City Hall and allowing it to still be on Martin Luther King, Jr. Drive, and not Greene Street or Washington Street, is to be commended. She asked that Martin Luther King, Jr. Drive be extended across Memorial Drive so the county offices and medical community will share the Martin Luther King, Jr. Drive address. She thanked the Council for approving the banners that are on the street that are displayed in January. If all of Fifth Street is extended, banners would be displayed all the way down Fifth Street. She asked the Council to extend further westward if it cannot extend east.

Pastor Angie Artis expressed her opposition to moving Martin Luther King, Jr. Drive. It is better and more cost effective to leave it as it is.

Ms. Naria Mas stated that the Council needs to compromise and take this rare opportunity to make a move to please so many people. She asked the Council to change East Fifth Street to Martin Luther King, Jr. Drive and to keep Martin Luther King, Jr. Drive that is already named Martin Luther King, Jr. Drive. She asked that the Council unite the east and west and make it a memorial. This is an inexpensive compromise and a win-win situation.

Mr. Walter Council stated that he was involved in the street renaming in the very beginning, and his comment when it was made was that all of Fifth Street needed to be renamed. The Council has an opportunity to show that a southern city can be together. He asked the Council to take this opportunity to make Greenville the city it should be. Martin Luther King, Jr. wanted peace, understanding and love, and the extension of Martin Luther King, Jr. Drive eastward says that. It is the City Council's responsibility to make it happen.

There being no further comments, the public hearing was closed.

Motion was made by Mayor Pro-Tem Council and seconded by Council Member Glover to keep Martin Luther King, Jr. Drive and add the east side to it and if the Council cannot do that, to leave the west side alone. The Council can go to the State legislature and lobby. She has a problem with changing what has already been done. She would favor renaming the bypass and leaving Martin Luther King, Jr. Drive as it is.

Council Member Dunn stated that the request to do something about the street was not initiated with this Council. She has no problem with what Mayor Pro-Tem Council is saying. She looked at the history of the request, which began with the Southern Christian Leadership's request for a thoroughfare. The next several requests were for the thoroughfare, and that is why she has supported the bypass.

Council Member Little stated that some of the things brought up during the public hearing were either wrong or misstated. The Chancellor's ad hoc committee gave three options, one being the bypass. Mr. Fisher eluded that was not an option. Mr. Cooper stated that most people were for

the extension of Fifth Street eastward, when, in fact, of the 25 people present at one of the meetings, only nine were for that extension. Also, there was a total of only about 115 people that attended all the public forums, so it is not an overwhelming majority of the community that wants the extension. Council Member Little further stated that he felt to have the bypass named for Dr. King would be much more meaningful because of its visibility and having 90,000 people per day travel on the road, seeing the name.

Council Member Glover stated that the Southern Christian Leadership Conference is an organization for the rights of people; it does not speak for everyone. She stated that once the residents found out that the name of the present Martin Luther King, Jr. Drive may be taken away, they said to leave it as it is. A lot of mail comes from and goes to City Hall every day with Martin Luther King, Jr. Drive on it. She asked if a loop around the City is what people really want. If it is, then she asked that it be left as it is and to let the other councils worry about it.

Council Member Craft stated that he did read the report and supports the resolution before the Council tonight.

Mayor Parrott expressed that the worst mistake the Council can make is to leave it as it is. Every year people ask him what the Council is going to do about the street. This is his last year as Mayor, and he wants to get it resolved and not leave it for another Council. This would help pull them together. If the Council wants to pull together, they do not need to leave it as it is. The Council needs to stop this hurt and start working together. The bypass will honor Dr. King and provide him that respect. The people on East Fifth Street are not racists; they have been living on East Fifth Street for years and want to keep it that way.

Mayor Pro-Tem Council stated that she disagreed with part of what the Mayor said about moving on and stopping the hurt. That may be the case for the Mayor, but not for her. It was better to get a part of a street named for Dr. King than to have nothing. It meant something to have something named for someone of color. Now the Council may take that back and take Greenville back in time. This would not be an inclusive move.

Mayor Parrott then asked for a vote on the motion originally made by Mayor Pro-Tem Council and seconded by Council Member Glover. The motion was restated, with the concurrence of Mayor Pro-Tem Council and Council Member Glover, as “to not change the name of Martin Luther King, Jr. Drive and, therefore, to not approve the proposed resolution.” Motion was voted on and failed with a 2:4 vote. Mayor Pro-Tem Council and Council Member Glover voted in favor of the motion and Council Members Craft, Dunn, Spell and Little voted in opposition.

Motion was then made by Council Member Craft and seconded by Council Member Spell to adopt the resolution approving a change in the name of US 264 to Martin Luther King, Jr. Highway and Martin Luther King, Jr. Drive to West Fifth Street. Motion carried with a vote of 4:2. Council Members Craft, Dunn, Spell and Little voted in favor of the motion. Mayor Pro-Tem Council and Council Member Glover voted in opposition. (Ordinance No. 06-58)

City Attorney Holec stated that June 29, 2007 will be the effective date if the County acts by March 20, 2007.

RESOLUTION EXPRESSING THE INTENT OF THE CITY COUNCIL OF THE CITY OF GREENVILLE TO CONTINUE THE NAME OF MARTIN LUTHER KING, JR. HIGHWAY ON PORTIONS OF US 264 BYPASS AS THE PORTIONS ARE CONSTRUCTED - ADOPTED

Motion was made by Council Member Little and seconded by Council Member Spell to adopt the resolution expressing the intent of the City Council of the City of Greenville to continue the name of Martin Luther King, Jr. Highway on portions of US 264 Bypass as the portions are constructed. Motion carried unanimously. (Resolution No. 06-59)

ORDINANCE REQUESTED BY WILLIAM H. CLARK TO REZONE PROPERTY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF OXFORD ROAD AND EAST TENTH STREET FROM RA20 TO O (OFFICE) - ADOPTED

City Manager Bowers reported that a notice of public hearing was published in The Daily Reflector on December 4 and 11, 2006 setting this time, date and place for a public hearing to consider a request by William H. Clark to rezone 1.1829 acres located at the southwest corner of the intersection of Oxford Road and East Tenth Street from RA20 to O. The Planning and Zoning Commission, at its November 21, 2006 meeting, voted to recommend approval of the request.

Mr. Harry Hamilton, Chief Planner, delineated the property on a map and explained the request. He explained that this property is not a part of the Brook Valley residential area. If this property is rezoned, there could be an increase of 130 trips per day, with 80 going to the west and 50 going to the east. The main concern is the protection of the Brook Valley neighborhood. The property has now been divided into two lots. It is the lot along Tenth Street that is now being proposed to be rezoned. Pirates Cove is to the northwest, Sterling University Apartments are to the east, and Brook Valley Subdivision is to the south. The property is currently vacant. There are vacant and residential properties surrounding the subject property. The property is impacted by the floodway, the 100 year floodplain, and a proposed Greenway. There is a community focus area located at the intersection of Greenville Boulevard and Tenth Street and there is an intermediate focus area located at Tenth Street and Port Terminal Road. The Land Use Plan does recommend conservation or open space, however, it is not dimensionally specific. Because there is a 100-year floodplain, building elevation standards do apply and construction within the floodway is prohibited. The property is currently zoned RA20 and the property is surrounded by residentially zoned property. While the Land Use Plan does recommend conservation or open space, because of the potential environmental concerns, contextual recommendations are also used. One of those is to protect the interest of the neighborhood and also allow reasonable use to property owners. Under the Land Use Plan the recommendation is for residential.

Council Member Spell stated that a good portion of the property closer to Brook Valley is in the floodway. He asked how much of that is buildable.

Mr. Hamilton replied that the property is divided into two tracts, and the one being referred to does constitute a building site. A single-family home could be built there, but it is not a probable building site. It is not practical to build on lot 2, as it is completely in the floodplain. Lot one is suitable to build on.

After discussion about the permitted and special uses in this area, Mr. Hamilton was asked what kind of buffer would be required, to which he responded that it would depend on the use for the land. There are no bufferyard requirements for single-family or duplex development.

Mayor Parrott declared the public hearing open and solicited comments from the audience.

Mr. Phil Dixon, representing the petitioner, distributed a handout (Document No. 06-12) that included a topography map and stated that at the Planning and Zoning Commission meeting, it was recommended that this information be provided to City Council. There was an 8:1 vote on this request at the Planning and Zoning Commission level. This property was zoned RA20 in 1972 when it was brought into the city. Mr. Clark actually acquired the property back in 1993 when he purchased all the remaining lots in Brook Valley, so it has been vacant since he purchased it about 13 years ago. There are some really unique features to this particular lot. It is about 650 feet deep and at its highest point in elevation is about 28 feet. It goes all the way down to Bells Branch, which is about 10 feet, so there is a substantial drop and slope to the property. When Mr. Clark decided to divide this into two lots and create a lot of about equal size as the conservation easement area, he actually picked a space that is about 16 feet in elevation. The lot being requested for rezoning goes from an elevation of about 28 feet down to 16 feet and the conservation lot on the back side that is not being asked to be rezoned goes from 16 feet down to 10 feet. The topography is rather significant. The lot is very heavy with vegetative covering and trees and the floodway that is a significant portion of this back part of the property is between 75 and 120 feet wide. It is an area in which you can not build. About 361 feet from the road is a floodplain area and there are modifications that sometimes can be made with grading that allows construction on the site; however, it is not economically feasible here. There is already a substantial amount of property as a buffer. The natural contours of the land also create a buffer. To allay the concerns of the citizens in Brook Valley, the rezoning request has been reduced to about one half of what it was originally. When he first discussed this with the City Attorney and Andy Harris, there was concern about the City taking over the maintenance for it; however, there is an agreement and a decision has been made by Mr. Clark that if this property is rezoned he will convey that property to the adjoining property owner, Greg and Carmon Wright, to remain in a natural state. Nothing can be built on that site. Mr. and Mrs. Wright reside at 102 Oxford Road, right across the bridge. The adjoining property owner to the left of this property along Highway 33 is Marjorie Harris and she has previously filed a letter stating that she didn't have an objection to the original rezoning request, as has Tom Harwell, who is immediately across from this property on Oxford Road.

Mr. Dixon continued by reminding the Council that in 1988 Mr. Clark originally tried to rezone this property and then withdrew his request, but there are many changes that have taken place since that time. East Tenth Street then was only a two-lane road. It is now a five-lane corridor with a 100 foot right-of-way and has been designated as a major traffic corridor for Greenville. There is also now a stoplight at the intersection of Oxford Road which helps control traffic. The original request by Mr. Clark was to rezone property on both sides of the road. That other lot is now owned by Mr. Harwell and will remain a natural state. Mr. Clark went from a request for 2.3 acres to 1.3 acres to this 1.1 acre tract. The dividing line between these two lots is significant because there is a ridge there on which there are a lot of trees they are trying to preserve, so within this area of this lot to be rezoned is a buffer and screen. Abutting the ridge will be a stormwater detention basin, which is now called stormwater best management practice or BMP

Wetland Area. The current design capacity for Highway 33 is twice what the traffic is on that road right now. The current average trips per day is 16,750 vehicles, and the design capacity is 33,500 vehicles per day. The net average daily trips change to the east is half of a percent and to the west is three-tenths of a percent. Some concern was expressed by the Brook Valley Homeowners Association about entering the lot from Highway 33. He made contact with Steve Hamilton of the Department of Transportation Office in Greenville, who referred him to Danny Taylor and Stoney Woolard in Washington, about the possibility of access from Highway 33. They will not act on any request without a formal plan for development and a site plan or a submission of a driveway permit application. They indicated that because of the proximity to the stoplight, it is unlikely that access would be allowed. Office zoning here is the most restrictive non-residential zoning district.

Mr. Holec reminded the Council that it cannot rely on the representation of what will happen in the future.

Mr. Rick Smiley, President of the Brook Valley Homeowner's Association, expressed concern about the potential impact of the proposed rezoning on the streets and thoroughfares. The Association has tried for 11 months to make their concerns known. Dividing the property into two parcels has made it impossible for the neighboring property owners to file a protest petition. Mr. Clark has had a pattern of maximum development. The Land Use Plan calls for a less intense zoning, and Mr. Clark has asked for a more intensive zoning. He is saying that one of the petitioner's burdens is to address the compatibility with surrounding zoning. He said that O is a transitional zoning. This is RA20 surrounded by RA20, so there's no transition to make. The nearest commercial zoning is 1600 feet to the west. This rezoning request is not compatible with the surrounding land uses, as it is residential all the way around. What's not residential is wetland or floodway. As far as meeting the criteria for "Impact on area streets and thoroughfares", Oxford Road is a residential street and always has been. They're talking about putting commercial traffic on it. Presumably they would come out, take a left and go up to the stoplight. As far as factors which address health, safety and welfare of the citizenry, a couple of years ago the Task Force on Preservation of Neighborhoods and Housing made recommendations to City Council which City Council adopted in an attempt to preserve the housing and its effect on health, safety and welfare of the citizens of Greenville. The City has tried to improve the gateways into neighborhoods. The City has said that this is an important thing. Mr. Smiley stated that Mr. Clark has not been responsive to the concerns of the homeowners, and he asked the Council to deny this request.

Mr. Robert Martinson, who moved here from New Orleans, spoke in opposition to the request, asking what the compelling reason is to change the zoning from residential to office/commercial.

Mr. Lewis Troiano, an attorney who lives at 225 York Road stated that he recently moved here from the north and bought a home in Brook Valley because of its beauty. He stated that this is spot zoning because one person gets the benefit. The Comprehensive Plan should be followed.

City Attorney Holec informed the Council that this is not spot zoning.

Ms. Teresa Hewitt expressed opposition to this request, informing the Council how she is going to have to close her business because of rent gouging. She asked the Council to investigate rent gouging and outrageous rental increases.

Ms. Candace Pearce of Christenbury Drive stated that she has property in the area that will be affected and the neighborhood needs to be protected. She encouraged the Council to keep commercial and office properties from the neighborhoods.

Mr. Carl Luke of 210 York Road stated that he has been a Planning Director in several communities. This does have the elements of spot zoning. He is opposed to the request and feels that the best use is to leave it as it is (RA-20).

Mr. Paul Alston stated that he has lived in Greenville for 30 years. One of the real problems is how people will get in and out of the subdivision. He is opposed to this request and feels the Council should go by the Comprehensive Plan and not spot zone.

Ms. Jessie Smiley of 102 Christenbury Drive expressed opposition to a building that will change the character of the entire neighborhood. Oxford Road will become the accepted traffic pattern and there will be no way to turn left out of Oxford Road. Currently there are joggers and small children on this road and she is concerned for their safety. She also expressed an objection to the noise and water runoff that would be associated with this rezoning, stating that with increased pavement, there will be more water flowing to the stream.

Mr. Mario Perez, who lives on Oxford Road, stated that he feels the burden of proof has to be met in order to change the zoning. The Council should keep the neighborhood intact.

City Attorney Holec stated that this is a legislative decision and there is no burden of proof required.

Mr. Marue (last name unclear), who lives on Windsor Road, stated that he has been in Greenville four years. He expressed concern about being able to turn off of Oxford Road.

There being no further comments, the public hearing was closed.

Council Member Spell stated that this can be used as residential property; however, it would not be as profitable. He cannot support this request.

Council Member Little asked Mr. Hamilton if Tenth Street is a gateway corridor, and he was told that it is and that a gateway corridor is different than a residential corridor. Gateway corridors may be acceptable for more intensive types of uses.

Council Member Craft asked why the property was originally zoned RA-20, and Mr. Hamilton responded that it originally did not have sanitary sewer as Brook Valley originally had septic tanks. There are restrictive covenants for Brook Valley; however, this lot is not part of Brook Valley and is not tied to those restrictive covenants.

Council Member Little explained that he understands the concerns, as there is the potential to put three or four single-family homes there that would change the entrance of the neighborhood. Office zoning has been a popular use in the front part of neighborhoods. With the buffering and screening, this is a reasonable request.

After discussion and questioning of Mr. Dixon, motion was made by Council Member Little and seconded by Mayor Pro-Tem Council to adopt the ordinance rezoning 1.1829 acres located at the southwest corner of the intersection of Oxford Road and East Tenth Street from RA20 to O.

Council Member Dunn offered a substitute motion to continue this item until January 11, 2007, which was seconded by Council Member Spell.

Council Member Little asked Phil Dixon and Mr. Rick Smiley if they were in favor of a continuance, and neither party felt there was a need for additional time because there had been several attempts to work through the issues.

The substitute motion originally made by Council Member Dunn and seconded by Council Member Spell to continue this item until January 11, 2007 was then voted on and failed with a 1:5 vote. Council Member Dunn voted in favor of the motion. Mayor Pro-Tem Council and Council Members Craft, Spell, Little and Glover voted in opposition.

The Council then voted on the original motion made by Council Member Little and seconded by Mayor Pro-Tem Council to adopt the ordinance to rezone 1.1829 acres located at the southwest corner of the intersection of Oxford Road and East Tenth Street from RA20 to O. Motion carried with a 4:3 vote. Mayor Pro-Tem Council and Council Members Glover and Little voted in favor of the request. Council Members Craft, Spell and Dunn voted in opposition. Mayor Parrott broke the tie and voted in favor of the ordinance. (Ordinance No. 06-119)

ORDINANCE (REQUESTED BY NESA ANN PAGE WORTHINGTON) TO REZONE PROPERTY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF WILLIAMS ROAD AND GREENVILLE BOULEVARD, FROM RA20 TO CG (GENERAL COMMERCIAL) - ADOPTED

City Manager Bowers reported that a notice of public hearing was published in The Daily Reflector on December 4 and 11, 2006 setting this time, date and place for a public hearing to consider a request by Nesa Ann Page Worthington to rezone 18.39+ acres located at the northeast corner of the intersection of Williams Road and Greenville Boulevard, from RA20 to CG. The Planning and Zoning Commission, at its November 21, 2006 meeting, voted to recommend approval of the request.

Mr. Harry Hamilton, Chief Planner, delineated the property on a map and explained the request. The property is currently vacant with a variety of uses surrounding the property. The property is not impacted by the floodplain. It is located along Greenville Boulevard, which is part of the greenway system. There is a recognized intermediate focus area near the subject property and commercial zoning would be encouraged. The proposed rezoning could generate a net increase of 6,450 trips. The Land Use Plan recommends commercial development and does have a small area of conservation/open space area. Hardees Run forms the northern boundary of the subject

property and there would be a 50 foot riparian buffer from the top of the bank. This area would also serve as a buffer between the commercial area and the residential area to the north. This request is in compliance with the Land Use Plan.

Mayor Parrott declared the public hearing open and solicited comments from the audience.

Mr. Richard Allen, representing the Worthington family, explained how the request meets the criteria for rezoning. The request is in accordance with the Comprehensive Plan.

There being no further comments, the public hearing was closed.

Motion was made by Council Member Craft and seconded by Council Member Little to adopt the ordinance rezoning 18.39± acres located at the northeast corner of the intersection of Williams Road and Greenville Boulevard, from RA20 to CG. Motion carried unanimously. (Ordinance No. 06-120)

ORDINANCE (REQUESTED BY CHRISTOPHER A. BURNS) TO REZONE PROPERTY LOCATED ALONG THE SOUTHERN RIGHT-OF-WAY OF OLD PACTOLUS ROAD, ALONG THE WESTERN RIGHT-OF-WAY OF HIGHWAY 264A, NORTH OF THE TAR RIVER, AND EAST OF THE RIDDICK SUBDIVISION, FROM CH TO OR - ADOPTED

City Manager Bowers reported that a notice of public hearing was published in The Daily Reflector on December 4 and 11, 2006 setting this time, date and place for a public hearing to consider a request by Christopher A. Burns to rezone 73.3489 acres located along the southern right-of-way of Old Pactolus Road, along the western right-of-way of Highway 264A, 1,740± feet north of the Tar River, and 590± feet east of the Riddick Subdivision, from CH to OR. The Planning and Zoning Commission at its November 21, 2006 meeting, voted to not recommend approval of the request.

Mr. Harry Hamilton, Chief Planner, delineated the property on a map and explained the request. A portion of the property is included in the pond area, and a lot of the property has been filled. The elevation has been raised substantially, as it was originally a sand mine. The property is currently vacant, and there is commercial property in the general intersection of US 264 and Greenville Boulevard located in the floodplain area. The property abuts immediately to the floodway. Any development within that portion would be subject to elevation requirements. Higher intensity uses are encouraged in this area. With the rezoning, a net decrease of 13,750 trips per day could be realized, with 5,500 fewer going east, 3,250 fewer going west and 5,000 trips fewer going south. Those figures are based on the most intensive types of uses. If the uses are similar to those in the existing commercial areas to the northeast, they would be substantially less than that. There is multi-family development in the immediate area. The land use plan recommends commercial development, and there has been a fairly recent request to rezone a significant portion of the property to CH, which was in compliance with the Comprehensive Plan. Any rezoning to residential or office would not be in compliance with the comprehensive plan. Office/residential zoning allows high density residential. Staff discourages high density residential in the floodplain areas where possible. About 50 acres of this was rezoned in 2004, and it was zoned RA-20 before that.

Mayor Parrott declared the public hearing open and solicited comments from the audience.

Mr. Jim Hopf, representing Chris Burns and Associates, urged the Council to approve this rezoning, which would make the property compatible with surrounding properties. It is within a focus area and should be utilized in an aesthetically pleasing manner. The rezoning request is a downzoning. It is a less dense use that results in less impact to the land when considering all permissible uses. The proposed rezoning will result in a decreased traffic count, as 21,000 trips per day could be possible under the current zoning, and that would decrease to 7,200 per day if the property is rezoned. This request does not comply with the Comprehensive Plan; however, the Plan is a guide. The future land use plan provides guiding principles on how land should be developed over time. Mr. Hopf acknowledged that a lot of work went into the Comprehensive Plan; however, he urged the Council to recognize it as a guide and not apply it in a mechanical manner. The Council should consider public safety and welfare and health to support the rezoning. Rezoning this property as requested would acknowledge and recognize the progress north of the river. It provides a mechanism for balanced growth in the region.

Mr. Hopf further stated that based on the comments made by staff, references made are impermissible as part of contract zoning. In considering the rezoning request, the Council must consider all permitted uses. The owner is asking for the request so he can pursue all permissible uses.

City Attorney Holec reminded the Council that when the Council is considering zoning, it is to consider all uses. Council could consider what may potentially be the worst case scenario and focus on one particular use in the range of permissible uses which it considers inappropriate. A denial of the rezoning because of the potential that the one use may occur is appropriate.

Mr. Lorenzo Stox, Pastor of Parkers Free Will Baptist Church, asked the Council to approve the request to OR since it will be more compatible and homogeneous with the church property. It is the Church's intention to request that the remaining portion of its property be rezoned OR, which will be more aesthetically pleasing with the church property.

Mr. Gary Davis read a letter on behalf of Bishop Randy Royal of Philippi Church that was in support of the request. (A copy of the letter was not submitted for the record.)

There being no further comments, the public hearing was closed.

Council Member Spell expressed concern about building the floodplain and putting people at risk when there is another flood. There are many things landowners can do to make profit without putting people at risk. It is irresponsible to fill in the floodplain. Council Member Spell urged his colleagues to not support this request.

Upon being asked what the Comprehensive Plan calls for the area, Mr. Hamilton responded that it calls for nonresidential/commercial. There is heavy commercial on the other side of the road. There is currently no commercial development on the western side of the road.

After questions regarding the zoning of other properties in the area, motion was made by Council Member Craft and seconded by Mayor Pro-Tem Council to adopt the ordinance rezoning 73.3489 acres located along the southern right-of-way of Old Pactolus Road, along the western

right-of-way of Highway 264A, 1,740± feet north of the Tar River, and 590± feet east of the Riddick Subdivision, from CH to OR. Motion carried with a vote of 4:3. Mayor Pro-Tem Council and Council Members Craft and Glover voted in favor of the ordinance. Council Members Dunn, Spell and Little voted in opposition. Mayor Parrott broke the tie in support of the ordinance. (Ordinance No. 06-121)

ORDINANCE (REQUESTED BY CLARK LAND COMPANY, LLC) TO REZONE PROPERTY LOCATED ALONG THE SOUTHERN RIGHT-OF-WAY OF CHARLES BOULEVARD, WEST OF THE INTERSECTION OF CHARLES BOULEVARD AND HERMAN GARRIS ROAD, AND EAST OF COUNTY HOME ROAD, FROM R6 TO OR - ADOPTED

City Manager Bowers reported that a notice of public hearing was published in The Daily Reflector on December 4 and 11, 2006 setting this time, date and place for a public hearing to consider a request by Clark Land Company, LLC to rezone 2.3578 acres located along the southern right-of-way of Charles Boulevard, west of the intersection of Charles Boulevard and Herman Garriss Road, and east of County Home Road, from R6 to OR. The Planning and Zoning Commission at its November 21, 2006 meeting, voted to recommend approval of the request.

Mr. Harry Hamilton, Chief Planner, delineated the property on a map and explained the request. Both districts contain the same amount of multi-family density; however, the OR district does contain an office option. The property is currently vacant. There are residential uses in and around the property. There was recently an approved site plan that shows a street that will bisect this property and connect to Bluebill Drive. The property is not impacted by the floodplain or greenways. There is a small commercial focus area. Highway 43 is considered a gateway corridor. The proposed rezoning could generate an increase of 200 trips, with the majority heading to the west. The Land Use Plan does recommend office/institutional/multi-family, and the OR district is considered office/institutional/multi-family. The Land Use Plan recommends a conservation/open space area on the southern boundary of the subject property and there will be a 50 foot riparian buffer required from the top of the bank. This property was rezoned R6 earlier this year. The remaining portion of this property is zoned R6. The request is in compliance with the Land Use Plan.

Upon being asked why the change was being requested, Mr. Hamilton stated that he assumed it was because there is a wider list of options.

Mayor Parrott declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

Motion was made by Council Member Dunn and seconded by Mayor Pro-Tem Council to adopt the ordinance rezoning 2.3578 acres located along the southern right-of-way of Charles Boulevard, west of the intersection of Charles Boulevard and Herman Garriss Road, and east of County Home Road, from R6 to OR. Motion carried unanimously. (Ordinance No. 06-122)

ORDINANCE (REQUESTED BY W & A DEVELOPMENT, LLC) TO REZONE PROPERTY LOCATED SOUTHWEST OF THE TEAKWOOD SUBDIVISION, WEST OF ALLEN ROAD

AND NORTH OF THE INTERSECTION OF FROG LEVEL ROAD AND DICKINSON AVENUE, FROM GC TO CH – CONTINUED TO MARCH 8, 2007

ORDINANCE ANNEXING W & A DEVELOPMENT, LLC PROPERTY LOCATED AT THE TERMINUS OF TAYLOR'S CREEK DRIVE, NORTH OF OXFORD COMMERCIAL PARK – CONTINUED TO MARCH 8, 2007

ORDINANCE ANNEXING DONNA R. WARE PROPERTY LOCATED WEST OF THOMAS LANGSTON ROAD AND EAST OF CHARLESTON VILLAGE SUBDIVISION - ADOPTED

City Manager Bowers reported that a notice of public hearing was published in The Daily Reflector on December 4, 2006 setting this time, date and place for a public hearing to consider a request to annex the Donna R. Ware property, containing 2.63 acres located west of Thomas Langston Road and east of Charleston Village Subdivision. This is a contiguous annexation.

Mr. Flood delineated the property on a map and stated that the property is located in Voting District 5. Currently, there is a 3,386 square foot single family dwelling located on the property and no further development is anticipated. The applicant has requested annexation in order to connect to Greenville Utilities Commission sewer. The current and anticipated population is 5, with 0 being minority.

Mayor Parrott declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

Motion was made by Council Member Dunn and seconded by Mayor Pro-Tem Council to adopt the ordinance annexing the Donna R. Ware property located west of Thomas Langston Road and east of Charleston Village Subdivision. Motion carried unanimously. (Ordinance No. 06-123)

ORDINANCE ANNEXING OAKHURST PARK, LOT 6 LOCATED WEST OF NC HIGHWAY 33 AND SOUTH OF PORT TERMINAL ROAD - ADOPTED

City Manager Bowers reported that a notice of public hearing was published in The Daily Reflector on December 4, 2006 setting this time, date and place for a public hearing to consider a request to annex Oakhurst Park, Lot 6, containing 2.8986 acres located west of NC Highway 33 and south of Port Terminal Road. This is a contiguous annexation.

Mr. Merrill Flood, Director of Community Development, delineated the property on a map and stated that the property is located in Voting District 4. The property is currently vacant and the proposed use is for a 7,700 square foot office building. The current population is 0, and the anticipated population at full development is 0.

Mayor Parrott declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

Motion was made by Mayor Pro-Tem Council and seconded by Council Member Dunn to adopt the ordinance annexing Oakhurst Park, Lot 6, located west of NC Highway 33 and south of Port Terminal Road. Motion carried unanimously. (Ordinance No. 06-124)

ORDINANCE ANNEXING STERLING TRACE SUBDIVISION, LOT 3, LOCATED EAST OF STERLING TRACE DRIVE AND WEST OF VANCROFT SUBDIVISION. - ADOPTED

City Manager Bowers reported that a notice of public hearing was published in The Daily Reflector on December 4, 2006 setting this time, date and place for a public hearing to consider a request to annex Sterling Trace Subdivision, Lot 3, containing 2.442 acres located east of Sterling Trace Drive and west of Vancroft Subdivision. This is a contiguous annexation.

Mr. Merrill Flood, Director of Community Development, delineated the property on a map and stated that the property is located in Voting District 5. Currently, there is a 5,888 square foot single-family dwelling located on the property and no further development is anticipated. The applicant has requested annexation in order to connect to Greenville Utilities Commission sewer. The current population is 4, and the anticipated population is 4, with 0 being minority.

Mayor Parrott declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

Motion was made by Council Member Craft and seconded by Council Member Little to adopt the ordinance annexing Sterling Trace Subdivision, Lot 3, located east of Sterling Trace Drive and west of Vancroft Subdivision. Motion carried unanimously. (Ordinance No. 06-125)

ORDINANCE ANNEXING LAKEVIEW INDUSTRIAL PARK, LOTS 6, 13, A PORTION OF LOT 11 AND DIAMOND DRIVE, LOCATED NORTH OF US HIGHWAY 264 BY PASS AND SOUTH OF NORTHWOODS SUBDIVISION - ADOPTED

City Manager Bowers reported that a notice of public hearing was published in The Daily Reflector on December 4, 2006 setting this time, date and place for a public hearing to consider a request to annex Lakeview Industrial Park, Lots 6, 13, a portion of Lot 11 and Diamond Drive, containing 5.8664 acres located north of US Highway 264 Bypass and south of Northwoods Subdivision. This is a contiguous annexation.

Mr. Merrill Flood, Director of Community Development, delineated the property on a map and stated that the property is located in Voting District 5. The property is currently vacant and the proposed use is for 12,000 square feet of Industrial Buildings on two lots. The current population is 0, and the anticipated population at full development is 0.

Mayor Parrott declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

Motion was made by Mayor Pro-Tem Council and seconded by Council Member Craft to adopt the ordinance annexing Lakeview Industrial Park, Lots 6, 13, a portion of Lot 11 and Diamond Drive, located north of US Highway 264 Bypass and south of Northwoods Subdivision. Motion carried unanimously. (Ordinance No. 06-126)

RESOLUTION AUTHORIZING THE DISPOSITION OF 5 LOTS WITHIN THE 45-BLOCK REDEVELOPMENT AREA TO METROPOLITAN HOUSING AND CDC, INC, FOR SINGLE-FAMILY HOME CONSTRUCTION - ADOPTED

City Manager Bowers reported that a notice of public hearing was published in The Daily Reflector on December 4 and 11, 2006 setting this time, date and place for a public hearing to consider a resolution authorizing the disposition of Parcels 07273, 07277, 07126, 07127, and 12123 located in the West Greenville 45-Block Revitalization Area to Metropolitan Housing and CDC, Inc.

Mr. Merrill Flood, Director of Community Development, stated that a request for proposals was issued for five scattered lots in the West Greenville 45-Block Revitalization Area located on Ford Street, Contentnea Street, and Cadillac Street. The deadline for submitting proposals was November 3, 2006, and proposals were received from one organization. The disposition for consideration includes Parcels 07273, 07277, 07126, 07127, and 12123 on which Metropolitan Housing and CDC, Inc. proposes to construct homes. The homes would be approximately 1200 square feet including three bedrooms and two baths. Each home would sell for a price averaging \$89,268. The cost per square foot to construct is \$74.39. Development of these lots will provide additional affordable single-family housing units for low-moderate income families. All homes will be built per City of Greenville building specifications and will meet E-300 energy efficiency standards.

Mayor Parrott declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

Motion was made by Council Member Craft and seconded by Council Member Spell to adopt the resolution authorizing the disposition of 5 lots within the West Greenville 45-Block Redevelopment Area to Metropolitan Housing and CDC, Inc., for single-family home construction. Motion carried unanimously. (Resolution No. 06-60)

RESOLUTION RECOMMENDING THE SUBMITTAL OF THE NOMINATION OF THE DICKINSON AVENUE HISTORIC DISTRICT FOR LISTING IN THE NATIONAL REGISTER OF HISTORIC PLACES - ADOPTED

City Manager Bowers reported that a notice of public hearing was published in The Daily Reflector on December 4 and 11, 2006 setting this time, date and place for a public hearing to consider a resolution recommending the submittal of the nomination of the Dickinson Avenue Historic District for listing in the National Register of Historic Places.

Mr. Carl Rees, Urban Development Planner, stated that the national designation is honorary as opposed to a local designation that is regulatory. It places local property owners under no restrictions. Included is one large warehouse that the City purchased some time back. The tobacco warehouse adjoins this district. Pictures of success stories were presented to Council, such as:

- The Imperial Centre in Rocky Mount (\$31 million public arts and sciences center; \$8 million funded with historic tax credits)

- Nantucket Lofts in Kinston (\$5.1 million investment; \$1.1 million historic credits; \$2.4 million low/moderate tax credits)
- Proctor Hotel and Jeffersons in Greenville took advantage of historic tax credits.

Mr. Rees asked that the Council adopt the resolution finding that the proposed Dickinson Avenue historic district meets the criteria for listing in the National Register of Historic Places and should be submitted for listing in the national register and to authorize the Mayor to execute the comment paragraph relating to said nomination for and on behalf of the City of Greenville.

Mayor Parrott declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

Council Member Spell asked about having signage saying that people are in the historic district. Mr. Rees stated that the Historic Preservation Commission is working on a project that will put signs around and try to identify them as a historic district and landmark.

Motion was made by Council Member Spell and seconded by Council Member Dunn to adopt the resolution recommending the submittal of the nomination of the Dickinson Avenue Historic District for listing in the national Register of Historic Places. Motion carried unanimously. (Resolution No. 06-61)

#### PUBLIC COMMENT PERIOD

There was no one present to speak during the public comment period.

#### RESOLUTION APPROVING THE SALE OF CERTAIN REAL PROPERTY TO THE REDEVELOPMENT COMMISSION - ADOPTED

Mr. Carl Rees, Urban Development Planner, stated that the Redevelopment Commission wanted to work with a development partner to construct a high quality, yet affordable multi-family rental housing along Martin Luther King, Jr. Drive. In order to ensure the affordability of the project, the Commission's private development partner, Landmark Development, will make application to the North Carolina Housing Finance Agency for an allocation of federal and state Low Income Housing Tax Credits. If awarded, such tax credit allocations can provide as much as \$.90 on the dollar of equity into affordable housing projects. As a prerequisite to making application for such tax credits, the North Carolina Housing Finance Agency requires that the developer/applicant ensure site control of the property on which the multi-family units are to be constructed. For the Greenville development, the necessary properties are owned by the City of Greenville and will be supplemented by two properties to be purchased by the Redevelopment Commission. The housing credit units are privately owned. It is a for-profit development. Part of the Redevelopment Commission's annual work plan is as follows:

June 2006	Redevelopment Commission calls for developer
August 2006	Selection of private development partner (Landmark Development, Winston-Salem)
December 2006	City Council and the Redevelopment Commission provide site control to Landmark Development

January 12, 2007	Preliminary application due to NCHFA and developer must have site Control
May	Applicants invited for full applications, site visits.
August 2007	Award of low income housing tax credits for the area between Martin Luther King, Jr. Drive and Bonner's Lane and between the railroad tracks to the west and Sprint to east.

Proposed are six two-story buildings with eight units per building. There will be two building types: eight one-bedroom units, 24 two-bedroom units, and 16 three-bedroom units, for a total of 48 units. The units will be energy efficient, have a refrigerator, dishwasher, garbage disposal, microwave, washer/dryer hookup, ceiling fan and stove, common area equipped with a playground, laundry room, exercise room, computer room, access to the community building, and convenient access to public transportation, shopping, banking, dining and government services. The one-bedroom units will be approximately 750 square feet and will run between \$380 to \$480 per month; the two-bedroom units will be approximately 950 square feet and will run \$460 to \$570 per month; and the three-bedroom units will be approximately 1120 square feet and will run between \$525 to \$655 per month, based on the North Carolina Housing Finance Agency caps for the Pitt County market. The amount paid will be based on income. Landmark Development has offered to lease all properties for an annual lease payment of \$15,000 per year for a 35-year lease term. Once the properties are transferred from the City of Greenville, the Redevelopment Commission will lease all property through the negotiated offer-upset bid process as authorized by NCGS 160A-269. In order to improve the chances of obtaining the tax credits, a low interest loan from the City would assist the project. The potential loan sources are HUD Section 108D Loan, Affordable Housing Bond funds, and Capital Reserve funds. The North Carolina Housing Finance Agency requires a loan commitment prior to May. It is requested that the City Council adopt the resolution transferring all named properties to the Redevelopment Commission of Greenville:

415 Martin Luther King, Jr. Drive – Tax Parcel No. 28844  
 411 Martin Luther King, Jr. Drive – Tax Parcel No. 28837  
 Vacant Tract Along Bonners Lane – Tax Parcel Number 28841  
 414 Bonners Lane – Tax Parcel Number 10848  
 416 Bonners Lane – Tax Parcel Number 04433  
 420 Bonners Lane – Tax Parcel Number 17752  
 424 Bonners Lane – Tax Parcel Number 19843  
 426 Bonners Lane – Tax Parcel Number 17741  
 432 Bonners Lane – Tax Parcel Number 11302  
 Vacant tract along Martin Luther King, Jr. Drive Common area and Tax Parcel Numbers 37368, 37369, 37370, 37371, 37372, 37373, 37374, 37375, 37376, 37377, 37381, 37380, 37379, 37378, 37367, 37366, 37365, 37364, 37363, 37362, 37361, 37360, 37382, 37383, 37384, and 37385

Motion was made by Council Member Craft and seconded by Council Member Spell to adopt the resolution transferring all named properties to the Redevelopment Commission of Greenville. Motion carried unanimously. (Resolution No. 06-62)

RESOLUTION APPROVING THE LEASE OF CERTAIN REAL PROPERTY BY THE REDEVELOPMENT COMMISSION TO LANDMARK ASSET SERVICES, INC. - ADOPTED

Motion was made by Mayor Pro-Tem Council and seconded by Council Member Spell to adopt the resolution approving the lease of certain real property by the Redevelopment Commission of Greenville to Landmark Asset Services, Inc. Motion carried unanimously. (Resolution No. 06-63). Those properties approved to be leased were as follows:

415 Martin Luther King, Jr. Drive – Tax parcel Number 28844  
 411 Martin Luther King, Jr. Drive – Tax Parcel Number 28837  
 Vacant tract along Bonners Lane – Tax Parcel Number 28841  
 414 Bonners Lane – Tax Parcel Number 10848  
 416 Bonners Lane – Tax Parcel Number 04433  
 420 Bonners Lane – Tax Parcel Number 17752  
 424 Bonners Lane – Tax Parcel Number 19843  
 426 Bonners Lane – Tax Parcel Number 17741  
 432 Bonners Lane – Tax Parcel Number 11302  
 Vacant tract along Martin Luther King, Jr. Drive - Common area and Tax Parcel  
 Numbers: 37368, 37369, 37370, 37371, 37372, 37373, 37374, 37375,  
 7376, 37377, 37381, 37380, 37379, 37378, 37367, 37366, 37365, 37364, 37363,  
 37362, 37361, 37360, 37382, 37383, 37384, and 37385.  
 234 Bonners Lane – Tax Parcel Number 28897  
 430 Bonners Lane – Tax Parcel Number 27050

ESTABLISHMENT OF MINIMUM SALE PRICE FOR PROPERTIES LOCATED AT 505 CONTENTNEA STREET AND 1101 DOUGLAS AVENUE - APPROVED

Mrs. Sandra Anderson, Community Development Administrator, informed the Council that the single-family homes at 505 Contentnea Street and 1101 Douglas Avenue have been rehabilitated. On August 15, 2006, appraisals were completed by Andy Piner of Moore and Piner, LLC for both properties. The appraised value of 505 Contentnea Street is \$60,000, and the appraised value for 110 Douglas Avenue is \$65,000. The homes will be marketed for sale to homebuyers who will occupy the properties as their primary residences. A newspaper ad will run announcing that the City of Greenville will be accepting sealed bids on the homes. Mrs. Anderson asked that the Council establish the minimum sales price.

Motion was made by Council Member Spell and seconded by Mayor Pro-Tem Council to approve the appraised value as the minimum sale price for properties located at 505 Contentnea Street and 1101 Douglas Avenue. Motion carried unanimously.

CHANGES TO THE HOME INVESTMENT PARTNERSHIP GRANT DOWN PAYMENT ASSISTANCE AND SECONDARY MORTGAGE PROGRAM - APPROVED

Mr. Merrill Flood, Director of Community Development, stated that staff and the Affordable Housing Loan Committee have been working on the HOME investment program and things happening in the market. Because of external factors that affect first-time homebuyers, changes to the program have been recommended that will protect homebuyers from practices by

predatory lenders that unfairly target homebuyers and provide secondary mortgage funds to eligible homebuyers in a similar amount that was available from the North Carolina Housing Finance Agency for Countryside Estates prior to the recent floodplain update. The proposed changes to the current HOME Downpayment Assistance and Secondary Mortgage program was approved by the Affordable Housing Loan Committee on November 8, 2006, and included the following.

- Due to the increased awareness of practices by predatory lending institutions, staff is recommending updating the City's lending criteria in order to prevent abuse in the following manner: add a requirement of six months of payment history on charge-off accounts; add Chapter 7 Bankruptcy discharge of at least 24 months and require the approval of the Trustee in Chapter 13 Bankruptcy cases. In addition, allow staff to utilize day care payment history as a form of non-traditional credit reference.
- Due to the rising cost to purchase decent, safe and sanitary homes and the loss of North Carolina Housing Finance Agency funds for properties identified as being within the 100-year floodplain as a result of the U. S. Army Corps of Engineers Floodplain update in 2004, staff recommends the following changes to the terms of the HOME Downpayment Assistance and Secondary Mortgage programs:
  - (1) Change from a \$5,000 to \$10,000 limit on the No Interest Forgivable Loan to a loan up to 20% of the sales prices of the home with a \$20,000 maximum;
  - (2) Change the recapture period from a five to ten year period (depending on loan) forgiven on an annual basis of the original amount to 15 year period, forgiven by 1/15 on an annual basis of original amount; and
  - (3) Change client investment requirement from \$500 to \$1000 plus closing costs to \$1,000 plus closing costs.

These proposed changes will help low to moderate income citizens purchase affordable housing.

Motion was made by Council Member Spell and seconded by Mayor Pro-Tem Council to approve the changes to the Home Investment Partnership Grant Down Payment Assistance and Secondary Mortgage Program. Motion carried unanimously.

#### ORDINANCE AMENDING THE PUBLIC NUISANCE PROVISIONS OF THE CITY CODE - ADOPTED

Mrs. Rhonda Jordan, Code Enforcement Coordinator, stated that the proposed amendment makes a number of changes to the public nuisance provisions of the City Code that will allow for more effective and efficient abatement of public nuisance issues. These changes will provide more flexibility to the Code Enforcement personnel in the abatement of nuisance situations that require more immediate attention. These situations have the effect of creating a detrimental impact to adjacent properties. The current notification processes allow these situations to exist beyond what is considered reasonable. Additional changes are proposed to aid in creating healthier neighborhoods and communities throughout the city. The changes include:

- (1) Reduces the grass and weed nuisance standard from a height of 12 inches to 10 inches.

- (2) Provides a provision that requires owners of property to properly dispose of household contents as a result of evictions in a proper manner instead of emptying the contents in the yard or along the street rights-of-way. Under the proposed ordinance, failure to do so will result in removal of these items by the City within 24 hours after abatement notification has been issued to the owner or occupant.
- (3) Allows citations to be issued when nuisance abatement services are carried out by the City of Greenville in addition to the current practice of billing for clean-up services and the charging of an administrative fee.
- (4) Allows for abatement of situations that require immediate abatement (within 24 hours) when nuisances are of a nature (in the opinion of the Code Enforcement Coordinator) that, if allowed to remain, create a public health or safety hazard or degrade adjacent properties.
- (5) Gives authority to personnel of the Code Enforcement Division to enter properties to inspect and abate situations that are deemed a nuisance without the permission of the owner.
- (6) Adds additional notification options of regular mail, property postings or hand delivery of violation notices to the property owner and/or the occupants of property.
- (7) Adds a provision to allow fines and charges for services resulting from abatement actions to be charged as a lien to other properties owned by the violator.

Motion was made by Council Member Craft and seconded by Council Member Dunn to adopt the ordinance amending the public nuisance provisions of the City Code. Motion carried unanimously. (Ordinance No. 06-127)

RESOLUTION OF INTENT TO ANNEX FIRE-RESCUE STATION #6 PROPERTY LOCATED NORTH OF NC HIGHWAY 33 AND WEST OF COURTHOUSE SQUARE SUBDIVISION - ADOPTED

Motion was made by Council Member Dunn and seconded by Council Member Spell to adopt the resolution of intent to annex Fire-Rescue Station Number 6 property located north of NC Highway 33 and west of Courthouse Square Subdivision. Motion carried unanimously. (Resolution No. 06-64)

RESOLUTION OF INTENT TO ANNEX CITY PROPERTY LOCATED NORTH OF NC HIGHWAY 33, EAST OF NE GREENVILLE BOULEVARD, AND SOUTH OF SUNNYSIDE ROAD - ADOPTED

Motion was made by Council Member Dunn and seconded by Council Member Spell to adopt the resolution of intent to annex city property located north of NC Highway 33, east of NE Greenville Boulevard, and south of Sunnyside Road. Motion carried unanimously. (Resolution No. 06-65)

RESOLUTION PROVIDING FOR THE REIMBURSEMENT FROM BOND PROCEEDS FOR THE EXPENDITURE OF FUNDS FOR CERTAIN CAPITAL IMPROVEMENTS (MT. PLEASANT ELECTRIC SUBSTATION AND TRANSMISSION LINE) BY GREENVILLE UTILITIES COMMISSION - ADOPTED

Motion was made by Council Member Dunn and seconded by Council Member Spell to adopt the resolution providing for the reimbursement from bond proceeds for the expenditure of funds for certain capital improvements (Mt. Pleasant Electric Substation and Transmission Line) by Greenville Utilities Commission. Motion carried unanimously. (Resolution No. 06-66)

ORDINANCE AMENDING GREENVILLE UTILITIES COMMISSION'S GAS CAPITAL PROJECTS BUDGET FOR THE NATURAL GAS GATE STATION NUMBER 4 - ADOPTED

Motion was made by Council Member Dunn and seconded by Council Member Spell to adopt the ordinance amending Greenville Utilities Commission's Gas Capital Projects Budget for the Natural Gas Gate Station Number 4. Motion carried unanimously. (Ordinance No. 06-128)

ORDINANCE ADOPTING THE CAPITAL RESERVE FUND AND APPROVING THE 2006-2007 CAPITAL RESERVE FUND DESIGNATIONS - ADOPTED

Ms. Bernita Demery, Director of Financial Services, reminded the Council that the audit presentation was given in October and the City had another great year. They have gone through the transactions for the General Fund. The fourteen percent financial policy recommendation for the reserve is satisfied. This year, it is recommended that \$5,091,082 be transferred to the Capital Reserve Fund. Budget ordinance amendments for 2006/2007 that are to be deducted are \$2.798 million. The 2007-2008 budget partial funding of debt service for issue of general obligation bonds approved in November 2004 is \$518,745. For the Vehicle Replacement Fund, \$158,999 is being set aside, for a recommended transfer to Capital Reserve of \$1,615,084. The Capital Reserve Interest Earned to Date is \$87,858 for a total recommended allocation for the Capital Reserve Fund of \$1,702,942. It is recommended that those funds be designated as follows:

New Technology for Public Safety	\$1,000,000
Widening of Highway 43 Project	\$ 250,000
River Hills Area Annexation Infrastructure	\$ 202,942
Restroom at Bradford Creek Soccer Complex Project	<u>\$ 250,000</u>
	\$1,702,942

City Manager Bowers stated that the Hospital Board voted to request that the County, City, University and Hospital set aside \$500,000 each for the Highway 43 widening project and it was added to the TIP and approved by the MPO. The County has ruled that they cannot participate in the program. The Hospital will probably amend the request; however, a revised request has not been received. The designation of \$250,000 for the Highway 43 project only reserves funds and does not commit the City to contributing to this project.

Motion was made by Council Member Craft and seconded by Council Member Dunn to approve the 2006-2007 Capital Reserve Fund designations and adopt the Capital Reserve Fund ordinance. Motion carried unanimously. (Ordinance No. 06-129)

FISCAL YEAR 2007-2008 BUDGET SCHEDULE

Motion was made by Council Member Craft and seconded by Council Member Dunn to adopt the Fiscal Year 2007-2008 Budget Schedule as attached. Motion carried unanimously.

## “COPY”

Tuesday	November 28, 2006	City Manager, Assistant City Manager, and Director of Financial Services Meeting to prioritize Increment/Decrement Forms
Wednesday	December 6, 2006	Review of Increment/Decrement Forms and Budget Adjustment Process with Department Heads and Budget Administrators
Thursday	December 14, 2006	Budget Schedule presented to City Council
Wednesday	January 17, 2007	Revenue Projections updated
Saturday	January 27, 2007	City Council Planning Retreat and Goals and Objectives update
Wednesday	February 7, 2007	Budget Adjustment requests by Departments submitted to the Director of Financial Services electronically
Tuesday - Friday	February 20-23, 2007	Department Head Budget Adjustment meetings with City Manager, Assistant City Manager, and Director of Financial Services to discuss Increment/Decrement Forms
Wednesday	April 24, 2007	Revenues Projections Final updates
Wednesday	May 2, 2007	Distribution to City Council of the Balanced Budgets of the City, GUC, SML, & CVA
Monday	May 7, 2007	Presentation of Balanced Budget Ordinances of the City, GUC, SML, & CVA to City Council
Monday	May 21, 2007	Public Display of Balanced Budget Ordinances prior to the Public Hearing
Monday	June 11, 2007	Public Hearing on the Fiscal Year 2007-2008 Budget
Thursday	June 14, 2007	Consideration of Adoption of the Fiscal Year 2007-2008 Budget

## “COPY”

2007 CITY COUNCIL MEETING SCHEDULE - APPROVED

Motion was made by Council Member Little and seconded by Mayor Pro-Tem Council to adopt the 2007 City Council Meeting Schedule as attached. Motion carried unanimously.

“COPY”

2007 CITY COUNCIL MEETING SCHEDULE  
ALL MEETINGS ARE HELD IN THE CITY COUNCIL CHAMBERS UNLESS  
OTHERWISE NOTED

January 8—6:00 PM  
January 11—7:00 PM  
January 22 —6:00 PM  
January 27—8:00 AM (Annual Planning Session at Bradford Creek)

February 5—6:00 PM  
February 8—7:00 PM  
February 19—6:00 PM

March 5—6:00 PM  
March 8—7:00 PM  
March 19—6:00 PM

April 9—6:00 PM  
April 12—7:00 PM  
April 23—6:00 PM

May 7—6:00 PM  
May 10—7:00 PM  
May 21—6:00 PM

June 11—6:00 PM  
June 14—7:00 PM  
June 25—6:00 PM

August 6—6:00 PM  
August 9—7:00 PM  
August 20—6:00 PM

September 10—6:00 PM  
September 13—7:00 PM  
September 24—6:00 PM

October 8—6:00 PM  
October 11—7:00 PM  
October 22—6:00 PM

November 5—6:00 PM  
November 8—7:00 PM  
November 19—6:00 PM

December 10—6:00 PM  
December 13—7:00 PM

“COPY”

### REPORT ON BIDS AWARDED

City Manager Wayne Bowers referred the Council to bids that had been awarded as follows:

<u>Date</u>	<u>Item Description</u>	<u>Awarded To</u>	<u>Amount</u>
11/16/06	Vendor to install golf Driving range lights	Walter Holmes Electric, Inc.	\$89,920

### CITY MANAGER'S REPORT

City Manager Bowers announced that this is Boyd Lee's last meeting. Mr. Lee has served the City for almost 40 years in the Recreation and Parks Department, starting as Assistant and working up to the Director position. There will be a celebration on December 21 for his years of service. The Recreation and Parks Department is an outstanding department that is recognized throughout the country. The City Manager expressed appreciation for Mr. Lee's work over the years.

### COMMENTS FROM MAYOR AND CITY COUNCIL

Council Member Craft stated that the Airport has received its Auditors' report and it was very commendable. He also announced that tomorrow is Drew Steele's Birthday. Council Member Craft concluded by stating that there are not enough words to express his appreciation for the job that Boyd Lee has done. Boyd has been professional and a gentleman. Council Member Craft stated that he will miss Mr. Lee a great deal and that he is welcome back any time. He wished Mr. Lee the best and thanked him for a job well done.

Council Member Dunn wished everyone a happy holiday. She announced that the recent Artwalk was fun, as she saw a violin concert and wedding while there. She stated that few people start their careers out of college and end up where they start out. Mr. Lee has a right to be proud of a wonderful Parks and Recreation Department that is well known to people in Greenville and the State. It has added to the quality of life of the citizens.

Council Member Glover announced that she is sad to see Mr. Lee go. She thanked him for his service to the City of Greenville and stated that he had a department to be proud of.

Council Member Little stated that he had grown up in the Greenville Recreation and Parks programs participating in all sporting events. He found his certificates signed by Boyd several years ago. The department has been a big part of his life and that of his children. The programs Mr. Lee developed are phenomenal, and the staff is top notch. Whoever is chosen as the new director has big shoes to fill.

Council Member Spell thanked Mr. Lee for his service and stated that one of the reasons he decided to stay in Greenville after college has been because of parks. Mr. Lee has done an outstanding job. The positive growth is in part because of the parks system. It has been a privilege to work with Mr. Lee.

Mayor Parrott announced that he also found some of his old certificates signed. The Recreation and Parks Department has come a long way and the credit belongs to Mr. Lee. Since he is retiring, he might want to get some of those games in that retired people play, such as shuffleboard. He thanked Mr. Lee for all he has done for Greenville.

Mayor Pro-Tem Council echoed some of the things she has heard tonight. She expressed appreciation for the service Mr. Lee provided to the City and thanked him for allowing the youth to get firsthand exposure to golf, overnight retreats, etc. She thanked Mr. Lee for offering innovative programs. She challenged the citizens to use those services and thanked him for hiring youth during the summer to get them exposed to Parks and Recreation opportunities. Now that she is retired, she is going to use them more. She appreciates what he has done, including having parks and buildings named after African-Americans. She challenged people in the community to continue to use the various facilities. She stated that Mr. Lee has been one of her favorite department heads.

Mayor Pro-Tem Council wished everyone a Merry Christmas, Happy Kwanzaa and a Happy New Year. She encouraged them to travel safely.

Mayor Pro-Tem Council reported on the NLC Conference that Council Member Glover and she attended in Reno, Nevada. She shared with the Council items she thought they would be interested in and asked that the memo to the Council be placed in the record.

“COPY”

#### MEMORANDUM

TO: The Honorable Mayor Don Parrott  
Council Member Pat Dunn  
Council Member Larry Spell  
Council Member Ray Craft  
Council Member Chip Little  
City Manager Wayne Bowers  
Assistant City Manager Thom Moton  
City Attorney Dave Holec

FROM: Mayor Pro-Tem Mildred A. Council, MSW  
Council Member Rose H. Glover

SUBJECT: National League of Cities (NLC) 83<sup>rd</sup> Congress of Cities (NLC) and Exposition,  
Reno, Nevada, December 5-9, 2006

DATE: December 14, 2006

We were the two local elected municipal officials representing Greenville at the NLC Congress of Cities 83<sup>rd</sup> Conference. We discussed with other officials innovative solutions to the 21<sup>st</sup> century's challenges facing cities and towns. There were over 3,500 mayors, council members,

and other municipal officials that came together to address various problems that face all of our cities and towns. **SEE ATTACHED PRESS RELEASE**

Some of the things that we thought you might want to be briefed on include the following:

- “One for All Municipal Leader of the Year, Jim Hunt” from the November 2006 issue of American City and County
- “Inclusive communities partnerships to continue next year” from the December 4, 2006 issue of Nations Cities Weekly. **Greenville needs to be one.**
- “The Web of Inclusion” by Sally Helgreen (flyer)
- Letter from the City Manager of Reno, Nevada, Charles E. McNeely
- “US Transportation Policy Can’t Ignore a Role for a Rail” from The Gazette, December 6, 2006
- Henry Cisneros and Jack Kemp (absent due to knee surgery) Information (flyer)
- 2006 Congress of Cities Talking Points
- “Wal-Mart: Out in Front Good for America’s Communities”
- “Visiting Officials Learn Region’s Black History” from The Gazette, December 6, 2006
- “Prepare to Survive. NBC/LEO Luncheon flyer featuring Reverend Joseph Lowry
- “The City of Riverside: Grease to Gas to Power, the Road to Energy Independence”, December 5, 2006 (to be sent to GUC General Manager)
- “Dream” for Success—Back by Popular Demand” by Kevin Carol, founder of Catalyst, a consultancy and author of Rules of Red Rubber Ball. Included is a rubber band like the one given to each delegate to tap into our inner self to obtain personal and professional success.
- The 83<sup>rd</sup> annual business meeting executive summary of policy amendment and policy resolutions, December 5 in Reno Nevada (see previous Notes to Council), and report of Nominating Committee, December 9, 2006. They were all accepted.
- NLC Advance Registration and Housing Form for March 10-14, 2007 Congress and Cities Conference.
- Listing of digital recordings of leadership training institute seminars and sessions on CD-Rom
- Information on the 84<sup>th</sup> Congress of Cities Conference in New Orleans, November 13-17, 2007. Mayor Ray Nagin of New Orleans spoke at the delegate’s luncheon.

For eight consecutive years, the NLC has involved youth. Greenville had nine youth representing the Greenville Youth Council, and they were among 200+ youth present. Three presented during the breakfast session, and we both attended that. A flyer is attached called “Bridging the Generation Gap—Breakfast, Networking and Learning Session”. Also attached is a November 17 letter regarding the history of youth appointments to the NLC Council on Youth, Education and Family.

Both of us represent North Carolina on National League of Cities committees. Mildred Council serves on the Transportation Infrastructure and Services Policy Advocacy Committee (TIS) (agenda and 2006 national municipal policy attached). Rose Glover serves on the Human Development Policy and Advocacy Committee (agenda and 2006 national municipal policy attached). For those two, the information will be in the City Council Resource Room.

Additionally we have eight informative Dvd's that were picked up in the exhibit area for use by all of us. They are:

- Social assets of Brownfield redevelopment
- Healthcare guide to pollution prevention-implementation through environmental management systems
- 2004 guidelines for water reuse
- Traffic management solutions
- Thirsting: drinking water games and activities for K-12
- Kim shelter/compact all-weather mobile shelter system
- The impact environmental monitoring for public access and community tracking
- Side loading vehicle retriever
- Book on 2006 guide to policy experts by public policy by the Institute of California
- NLC 83<sup>rd</sup> annual business meeting, December 9, 2006

“COPY”

Mayor Pro-Tem Council stated that there were 3500 Mayors, Council Members and other elected and appointed officials that attended the conference.

Council Member Glover talked about the “Dream” rubber band that was distributed. It was the second time they heard Kevin Carol speak, and he spoke on “Dream for Success”. She announced that at the NLC Conference, she met someone who said if the City finds a place to build a dreampark, they will come build it.

Mayor Parrott thanked Mayor Pro-Tem Council and Council Member Glover for representing the City at the NLC conference.

ADJOURNMENT

Motion was made by Council Member Craft and seconded by Council Member Spell to adjourn the meeting at 11:20 p.m. Motion carried unanimously.

Respectfully submitted,

Wanda T. Elks, MMC  
City Clerk